

CHAPTER 5.1.

GENERAL OBLIGATIONS
RELATED TO CERTIFICATION

Article 5.1.1.

Safety of *international trade in animals* and animal products depends on a combination of factors which should be taken into account to ensure unimpeded trade, without incurring unacceptable *risks* to human and animal health.

Because of differences between countries in their animal health situations, various options are offered by the *Terrestrial Code*. The animal health situation in the *exporting country*, in the *transit country* or *countries* and in the *importing country* should be considered before determining the requirements for trade. To maximise harmonisation of the sanitary aspects of *international trade*, *Veterinary Authorities* of Member Countries should base their import requirements on the standards of the OIE.

These requirements should be included in the model certificates approved by the OIE which are included from Chapters 5.10. to 5.12.

Certification requirements should be exact and concise, and should clearly convey the wishes of the *importing country*. For this purpose, prior consultation between *Veterinary Authorities* of *importing* and *exporting countries* may be necessary. It enables the setting out of the exact requirements so that the signing *veterinarian* can, if necessary, be given a note of guidance explaining the understanding between the *Veterinary Authorities* involved.

The certification requirements should not include conditions for *diseases* that are not transmitted by the *commodity* concerned. The certificate should be signed in accordance with the provisions of Chapter 5.2.

When officials of a *Veterinary Authority* wish to visit another country for matters of professional interest to the *Veterinary Authority* of the other country, the latter should be informed.

Article 5.1.2.

Responsibilities of the importing country

- 1) The import requirements included in the *international veterinary certificate* should assure that *commodities* introduced into the *importing country* comply with the standards of the OIE. *Importing countries* should align ~~restrict~~ their requirements with ~~to~~ those recommended in the relevant standards of the OIE necessary to achieve the national appropriate level of protection. If there are no such standards or if the country chooses a level of protection requiring measures ~~these are~~ stricter than the standards of the OIE, these ~~they~~ should be based on an import *risk analysis*.
- 2) The *international veterinary certificate* should not include requirements for the exclusion of pathogens or animal *diseases* which are present in the *importing country* and are not subject to any *official control programme*. The measures imposed on imports to manage the *risks* posed by a specific pathogen or disease should not be stricter ~~require a higher level of protection than those that provided by measures~~ applied as part of the *official control programme* operating within the *importing country*.
- 3) The *international veterinary certificate* should not include measures against pathogens or *diseases* which are not OIE listed, unless the *importing country* has demonstrated through import *risk analysis*, carried out in accordance with Section 2., that the pathogen or *disease* poses a significant *risk* to the *importing country*.

- 4) The transmission by the *Veterinary Authority* of certificates or the communication of import requirements to persons other than the *Veterinary Authority* of another country, necessitates that copies of these documents are also sent to the *Veterinary Authority*. This important procedure avoids delays and difficulties which may arise between traders and *Veterinary Authorities* when the authenticity of the certificates or permits is not established.

This information is the responsibility of *Veterinary Authorities*. However, it can be issued by private sector *veterinarians* at the place of origin of the *commodities* when this practice is the subject of appropriate approval and authentication by the *Veterinary Authority*.

- 5) Situations may arise which result in changes to the consignee, identification of the means of transportation, or *border post* after a certificate is issued. Because these do not change the animal or public health status of the consignment, they should not prevent the acceptance of the certificate.

Article 5.1.3.

Responsibilities of the exporting country

- 1) An *exporting country* should, on request, supply the following to *importing countries*:
 - a) information on the animal health situation and national animal health information systems to determine whether that country is free or has *zones* or *compartments* free from *listed diseases*, including the regulations and procedures in force to maintain its free status;
 - b) regular and prompt information on the occurrence of *notifiable diseases*;
 - c) details of the country's ability to apply measures to control and prevent the relevant *listed diseases*;
 - d) information on the structure of the *Veterinary Services* and the authority which they exercise according to Chapters 3.1. and 3.2.;
 - e) technical information, particularly on biological tests and vaccines applied in all or part of the national territory.
- 2) *Veterinary Authorities* of *exporting countries* should:
 - a) have official procedures for authorisation of certifying *veterinarians*, defining their functions and duties as well as conditions of oversight and accountability, including possible suspension and termination of the authorisation;
 - b) ensure that the relevant instructions and training are provided to certifying *veterinarians*;
 - c) monitor the activities of the certifying *veterinarians* to verify their integrity and impartiality.
- 3) The *Veterinary Authority* of the *exporting country* is ultimately accountable for veterinary certification used in *international trade*.

Article 5.1.4.

Responsibilities in case of an incident related to importation

- 1) *International trade* involves a continuing ethical responsibility. Therefore, if within the recognised *incubation periods* of the various *diseases* subsequent to an export taking place, the *Veterinary Authority* becomes aware of the appearance or reappearance of a *disease* which has been specifically included in the *international veterinary certificate*, there is an obligation for this *Authority* to notify the *importing country*, so that the imported *commodities* may be inspected or tested and appropriate action be taken to limit the spread of the *disease* should it have been inadvertently introduced.

- 2) If a *disease* condition appears in imported *commodities* within a time period after importation consistent with the recognised *incubation period* of the *disease*, the *Veterinary Authority* of the *exporting country* should be informed so as to enable an investigation to be made, since this may be the first available information on the occurrence of the *disease* in a previously free *herd*. The *Veterinary Authority* of the *importing country* should be informed of the result of the investigation since the source of *infection* may not be in the *exporting country*.
- 3) In case of suspicion, on reasonable grounds, that an official certificate may be fraudulent, the *Veterinary Authority* of the *importing country* and *exporting country* should conduct an investigation. Consideration should also be given to notifying any third country(ies) that may have been implicated. All associated consignments should be kept under official control, pending the outcome of the investigation. The *Veterinary Authorities* of all countries involved should fully cooperate with the investigation. If the certificate is found to be fraudulent, every effort should be made to identify those responsible so that appropriate action can be taken according to the relevant legislation.

– Text deleted.